

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
STATE HISTORICAL BUILDING SAFETY BOARD
REGARDING THE
CALIFORNIA HISTORICAL BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 8**

**Amendments to
Chapter 8-7, Structural Regulations
Chapter 8-8, Archaic Materials and Methods of Construction**

Notice is hereby given that the State Historical Building Safety Board (SHBSB) proposes to adopt changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 8; California Historical Building Code (CHBC). The SHBSB is proposing changes to Chapter 8-7, Structural Regulations and Chapter 8-8, Archaic Materials and Methods of Construction.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; written comments will be accepted by the SHBSB regarding the proposed changes from September 3, 2010 until 5:00 p.m. on October 17, 2010. Please address your comments to:

State Historical Building Safety Board
1102 Q Street, Suite 5100
Sacramento, CA 95811-6550
Attention: Richard T. Conrad, FAIA, Executive Director

Written Comments may also be faxed to (916) 445-3521 or E-mailed to Richard.Conrad@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the SHBSB may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the SHBSB adopts, amends, or repeals the regulation(s). The SHBSB will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The SHBSB proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18959.5. The purpose of these building standards is to implement, interpret, and make specific

the provisions of Health and Safety Code 18950 through 18961. The State Historical Building Safety Board is proposing this regulatory action based on Health and Safety Code 18958 and 18959.5.

INFORMATIVE DIGEST

Summary of Existing Laws

The California Historical Building Code (CHBC) provides alternative regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of qualified historical buildings or structures. These alternative standards and regulations are intended to facilitate the rehabilitation, restoration, or change of occupancy so as to preserve their original or restored architectural elements and features; to encourage energy conservation and a cost-effective approach to preservation; and to provide for the safety of the building occupants.

The CHBC provides means for the preservation of the historical value of qualified historical buildings or structures and, concurrently, to provide reasonable safety from fire, seismic forces or other hazards for occupants of these buildings or structures, and to provide reasonable availability to and usability by, the disabled.

The SHBSB is composed of qualified experts in their respective fields who represent various state and local public agencies, design professionals and building and preservation oriented organizations. The SHBSB acts as a consultant to the State Architect and to the other applicable state agencies for purposes of the CHBC. The SHBSB recommends to the State Architect and other applicable state agencies rules and regulations for adoption pursuant to the CHBC. The SHBSB also acts as a review body to state and local agencies with respect to interpretations of the CHBC as well as on matters of administration and enforcement of the CHBC.

The SHBSB is comprised of representatives of state agencies and public and professional building design, construction, and preservation organizations experienced in dealing with historic buildings. Each organization appoints its own representatives. Each of the following must have one member on the board who serves without pay, but shall receive actual and necessary expenses incurred while serving on the board: The Division of the State Architect, The State Fire Marshal, The State Historical Resources Commission, The California Occupational Safety and Health Standards Board, California Council-American Institute of Architects, Structural Engineers Association of California, a mechanical engineer; Consulting Engineers; and Land Surveyors of California, an electrical engineer, Consulting Engineers and Land Surveyors of California, California Council of Landscape Architects, The Department of Housing and Community Development, The Department of Parks and Recreation, The California State Association of Counties, League of California Cities, The Office of Statewide Health Planning and Development, The Department of Rehabilitation, The California Chapter of the American Planning Association, The Department of Transportation, The California Preservation Foundation, The Seismic Safety Commission, and The California Building Officials. The 20 members listed select a building contractor as a member of the board. The term of membership on the SHBSB is four years, with the State Architect's representative serving continually until replaced.

All state agencies that enforce and administer approvals, variances, or appeals procedures or decisions affecting the preservation or safety of the historical aspects of qualified historical buildings or structures shall use the alternative provisions CHBC and must consult with the SHBSB to obtain its review prior to undertaking action or making decisions on variances or appeals that affect qualified historical buildings or structures.

Summary of Existing Regulations

The existing CHBC is Part 8 of the official 2010 triennial compilation and publication of the adoptions, amendments, and repeal of building regulations to the California Code of Regulations (CCR), Title 24, also referred to as the California Building Standards Code. This part is known as the California Historical Building Code.

The regulations published in Part 8 are known as the California Historical Building Code and are referred to herein as "the CHBC." The CHBC provides regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or structures designated as qualified historical buildings or properties. The SHBC is intended to provide alternative solutions for the preservation of qualified historical buildings or properties, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users. These regulations require enforcing agencies to accept reasonably equivalent alternatives to the regular code when dealing with qualified historical buildings or properties.

Summary of Effect

The effect of this proposed action would be to base the structural provisions of the CHBC on the International Building Code. The code previously referenced the Uniform Building code. The intent of the CHBC is to facilitate the preservation and continuing use of qualified historical buildings or properties while providing reasonable safety for the building occupants and access for people with disabilities.

Comparable Federal Statute or Regulations

There are no Federal Statutes or alternative building regulations applicable to qualified historic buildings or structures.

Policy Statement Overview

The California Historical Building Code (CHBC) provides alternative regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of qualified historical buildings or structures. These alternative standards and regulations are intended to facilitate the rehabilitation, restoration, or change of occupancy so as to preserve their original or restored architectural elements and features; to encourage energy conservation and a cost-effective approach to preservation; and to provide for the safety of the building occupants

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

N/A

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SHBSB has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. The CHBC contains alternative building regulations that may be used by local agencies or school districts when dealing with qualified properties.

ESTIMATE OF COST OR SAVINGS

(An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399))

- A. Cost or Savings to any state agency: **YES** There may be a cost savings to a state agency by utilizing the alternative building regulations in the SHBC.
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **NO** There will not be a cost to a local agency by utilizing the alternative building regulations in the SHBC.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO** There will not be a cost to any school district by utilizing the alternative building regulations in the SHBC
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The State Historical Building Safety Board has made an initial determination that the adoption/amendment/repeal of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

These regulations are alternative regulations to the regular code and may be applied by private property and business owners if they so choose.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

These regulations do not require a report and do not require a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The SHBSB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The SHBSB has assessed whether or not and to what extent this proposal will affect the following:

This proposal will not affect the creation or elimination of jobs within the State of California.

This proposal will not affect the creation of new businesses or the elimination of existing businesses within the State of California.

This proposal will not affect the expansion of businesses currently doing business with the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The SHBSB has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The SHBSB must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the State Historical Building Safety Board website: <http://www.dsa.dgs.ca.gov/SHBSB/default.htm>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

SHBSB CONTACT PERSON FOR ADMINISTRATIVE AND TECHNICAL QUESTIONS

General questions regarding procedural, administrative and technical issues should be addressed to:

**Richard T. Conrad, FAIA, Executive Director
State Historical Building Safety Board
1102 Q Street, Suite 5100
Sacramento, CA 95811-6550
Telephone No.: (916) 324-7180
Facsimile No.: (916) 445-3521**